

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIRK JOHNSON,

Defendant.

8:20CR165

ORDER

On July 27, 2022, defendant Dirk Johnson (“Johnson”) pleaded guilty pursuant to a written plea agreement (Filing No. 128) to conspiring to distribute methamphetamine, possessing with intent to distribute methamphetamine, and using or carrying a firearm in relation to those drug-trafficking offenses. *See* 18 U.S.C. § 924(c)(1)(A); 21 U.S.C. §§ 841(a)(1), (b)(1), 846. Johnson is currently serving his sentence at the Federal Correctional Institution in Thomson, Illinois. His projected release date is August 25, 2031.

Now before the Court is Johnson’s Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) (Filing No. 214). Johnson reports that his wife, who was ill at the time of his sentencing, is now suffering from terminal stage IV lung, stomach, and brain cancer, drastically affecting her cognitive abilities. He argues compassionate release is warranted as he is her only available caregiver.

Upon initial review, the Court finds Johnson’s motion qualifies for judicial review¹ and raises a potentially colorable ground for relief. The Court will appoint counsel and

¹Johnson filed a request for compassionate release with the warden of his facility on October 26, 2023. *See* 18 U.S.C. § 3582(c)(1)(A) (providing that the defendant may move for compassionate release only after they have “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility”).

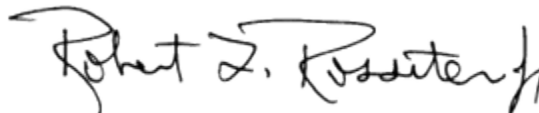
order the United States Probation and Pretrial Services Office to investigate Johnson's motion to aid in determining whether his circumstances warrant relief. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender for the District of Nebraska is appointed to represent Johnson for the limited purpose of determining whether there are extraordinary and compelling reasons to reduce his term of imprisonment.
2. In the event the Federal Public Defender should decline this appointment because of a conflict of interest or on the basis of the Amended Criminal Justice Act Plan, the Federal Public Defender shall provide the Court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Amended Criminal Justice Act Plan for this district.
3. If upon review the Federal Public Defender should conclude that Johnson's motion is frivolous, the Federal Public Defender may move to withdraw as counsel.
4. The United States Probation and Pretrial Services Office is directed to investigate Johnson's compassionate-release request and promptly file under seal a report on that investigation.
5. The probation office is authorized to disclose Presentence Investigation Reports to the Federal Public Defender and the United States Attorney for the purpose of evaluating the motion. Johnson's counsel shall provide the Presentence Investigation Report to any subsequently appointed or retained counsel. In accordance with the policy of the Federal Bureau of Prisons, no Presentence Investigation Report shall be provided to inmates.
6. The government and Johnson's counsel shall each file within ten days of the probation office filing its investigation report a brief addressing Johnson's request for sentencing relief and provide any evidence necessary to the Court's disposition of his motion. Absent an extension, the motion shall be deemed fully briefed and submitted as of that date.

Dated this 11th day of July 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge